

Message Text

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PAGE 01 ROME 10563 01 OF 02 080521Z
ACTION EUR-12

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LIMITED OFFICIAL USE SECTION 1 OF 2 ROME 10563

E.O. 11652: NA
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SUBJECT: THE REFERENDA VOTE ON JUNE 11-12

SUMMARY. THE ITALIAN ELECTORATE WILL VOTE ON JUNE 11-12 ON TWO REFERENDA: ONE TO REPEAL THE REALE LAW ON PUBLIC ORDER AND THE OTHER TO REPEAL THE LAW ON PUBLIC FINANCING OF POLITICAL PARTIES. ALTHOUGH THE REFERENDA HAVE AROUSED MORE CONTROVERSY AND MAY RECEIVE SOMEWHAT WIDER SUPPORT THAN HAD BEEN ANTICIPATED SEVERAL WEEKS AGO, THEY ARE FULLY EXPECTED TO FAIL OF ADOPTION. HOWEVER, A RELATIVELY SUBSTANTIAL "YES" VOTE WILL BE POLITICALLY EMBARRASSING TO THE CHRISTIAN DEMOCRATS AND ESPECIALLY TO THE COMMUNISTS. END SUMMARY.

1. ON JUNE 11-12 THE ITALIAN ELECTORATE WILL FOR THE THIRD TIME IN POSTWAR HISTORY VOTE ON A NATIONAL REFERENDUM. THE PREVIOUS REFERENDA WERE HELD IN JUNE 1946 ON WHETHER THE ITALIAN STATE SHOULD BE A REPUBLIC OR A MONARCHY AND IN MAY 1974 ON DIVORCE. THIS TIME THERE ARE TWO REFERENDA TO
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PAGE 02 ROME 10563 01 OF 02 080521Z

BE VOTED ON--ONE PROPOSING THE REPEAL OF THE LAW ON STATE FINANCING OF POLITICAL PARTIES AND THE OTHER THE REPEAL OF THE REALE LAW CONCERNING PUBLIC ORDER. TO CARRY, A REFERENDUM MUST RECEIVE A MAJORITY OF THOSE VOTING AND A MAJORITY OF THE ELECTORATE MUST VOTE.
REALE LAW.

2. THE SO-CALLED REALE LAW, NAMED FOR THE REPUBLICAN JUSTICE MINISTER WHO DRAFTED IT, WAS PASSED IN 1975 IN REACTION TO A RISING LEVEL OF CRIME AND TERRORISM. THE LAW WAS SUPPORTED BY THE CHRISTIAN DEMOCRATS, SOCIALISTS, SOCIAL DEMOCRATS AND REPUBLICANS. CONTRARY TO AN UNDERSTANDING WITH THE SOCIALISTS, THE COMMUNISTS VOTED AGAINST IT.

3. THE REALE LAW CONTAINS PROVISIONS ON THE FOLLOWING POINTS:

- LIMITATION OF GRANTING PROVISIONAL LIBERTY ON BAIL;
- REFUSAL TO FREE PRISONERS EVEN WHEN THE MAXIMUM TERM FOR THE CRIME WITH WHICH THEY ARE CHARGED HAS ELAPSED BEFORE A TRIAL HAS BEGUN;
- DETENTION OF SUSPECTS EVEN IN CASES WHERE A CRIME IS NOT IN PROGRESS;
- SEARCH WITHOUT WARRANT IN CASES OF EXCEPTIONAL NEED;
- PROHIBITION OF DISGUISE OR ATTEMPTS TO MAKE PHYSICAL IDENTIFICATION DIFFICULT;
- SEIZURE OF ARMS;
- PROHIBITION OF ATTEMPTS TO RECONSTRUCT "THE FASCIST PARTY;"
- AUTHORIZATION OF USE OF ARMS BY POLICE;
- INCREASED PENALTIES FOR ACCOMPLICES IN CRIMES AGAINST PERSONS AND PROPERTY AND FOR RECEIVING STOLEN GOODS;
- PROHIBITION OF NON-AUTHORIZED MEETINGS;
- SPECIAL SURVEILLANCE AND OBLIGATORY RESIDENCE;

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PAGE 03 ROME 10563 01 OF 02 080521Z

-- EXPULSION OF NON-ITALIAN CITIZENS.

3. THE VAGUE AND SWEEPING POWERS GIVEN TO THE POLICE WERE SO CONTROVERSIAL THAT THERE HAVE BEEN NUMEROUS EFFORTS TO ALTER THE LEGISLATION; HOWEVER, THE ISSUES WERE DIVISIVE AND THE PARTIES WERE NEVER ABLE TO AGREE ON A NEW LAW. IN 1977 THE RADICAL PARTY COLLECTED 700,000 SIGNATURES FOR A REFERENDUM ON THIS ISSUE; HAVING CLEARED VARIOUS JUDICIAL REVIEWS, THE REFERENDUM NOW GOES TO A VOTE. THE REFERENDUM WILL BE OPPOSED BY ALL BUT THREE PARTIES ON THE GROUND THAT THE LAW IS NECESSARY TO COMBAT TERRORISM AND VIOLENCE. IT WILL BE SUPPORTED BY THE RADICALS, THE DEMOCRATIC PROLETARIAT AND EXTRA-PARLIAMENTARY LEFT GROUPS, ALL OF WHICH MAINTAIN THAT THE LAW NOT ONLY JEOPARDIZES CIVIL LIBERTIES BUT ALSO HAS FAILED TO REDUCE CRIME AND TERRORISM AND IN FACT CONTRIBUTES TO THEM BY GIVING THE POLICE BROADER AUTHORITY TO USE FIREARMS WHICH IN TURN HAS RESULTED IN MASSS WEAPONS POSSESSION BY THE YOUTH. THE REFERENDUM WILL BE SUPPORTED ALSO BY THE MSI BECAUSE OF THE LAW'S POSITION ON THE FASCIST PARTY. THE SOCIALISTS HAVE DECLARED THAT THEIR MEMBERS ARE FREE TO VOTE AS THEY WISH.

PUBLIC FINANCING.

4. THE PROVISIONS OF THE PUBLIC FINANCING LAW AUTHORIZE
45 BILLION LIRE FOR THE SUPPORT OF THE POLITICAL PARTIES
REPRESENTED IN PARLIAMENT. TWENTY-FIVE PERCENT OF THIS SUM
IS DISTRIBUTED EQUALLY AMONG THE PARTIES AND THE
REMAINING 75 PERCENT IS DIVIDED AMONG THEM ACCORDING TO
PARTY STRENGTH IN THE CHAMBER OF DEPUTIES AND THE SENATE.
TO COVER NATIONAL ELECTION EXPENSES, AN ADDITIONAL 15
BILLION LIRE IS PROVIDED--15 PERCENT TO BE DISTRIBUTED
EQUALLY AND 85 PERCENT ALLOTTED PROPORTIONATELY TO THE
PARTIES. THE FUNDS ARE PAID TO PARLIAMENTARY PARTY GROUP
LEADERS, ALTHOUGH DISTRIBUTION IS IN FACT CONTROLLED BY
THE PARTY SECRETARIES. PRIVATE CONTRIBUTIONS BY BUSINESS
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PAGE 04 ROME 10563 01 OF 02 080521Z

FIRMS ARE LEGAL PROVIDING THEY ARE APPROVED BY A COMPANY'S
OWNERSHIP AND REPORTED IN ITS ANNUAL BUDGET. AN ORGANI-
ZATION THAT IS OWNED OR CONTROLLED BY THE STATE MAY NOT
MAKE ANY CONTRIBUTION.

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PAGE 01 ROME 10563 02 OF 02 071732Z
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LIMITED OFFICIAL USE SECTION 2 OF 2 ROME 10563

THE PARTIES ARE REQUIRED TO PUBLISH AN ANNUAL ACCOUNTING OF FUNDS RECEIVED AND THEIR USE. THE FUNDS RECEIVED FOR 1978 BY POLITICAL PARTIES ARE AS FOLLOWS:

DC	15,300,000,000 LIRE
PCI	12,500,000,000
PSI	4,200,000,000
MSI	5,400,000,000
DN	2,000,000,000
PSDI	1,900,000,000
PRI	1,900,000,000
DP	950,000,000
PLI	1,200,000,000
PR	880,000,000
GRUPPO MISTO	900,000,000
SINISTRA INDEPENDENTE	700,000,000
SUDTIROLER	
VOLKSPARTEI	100,000,000
UNION VALDOTARNE	35,000,000

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PAGE 02 ROME 10563 02 OF 02 071732Z

5. ON THIS ISSUE TOO THE RADICAL PARTY IN 1977 COLLECTED 700,000 SIGNATURES FOR A REFERENDUM. THE RADICALS CHALLENGED THE LAW BECAUSE IT PROVIDED FUNDS TO PARTY LEADERS RATHER THAN TO INDIVIDUAL CANDIDATES. THE REFERENDUM ON THIS ISSUE WILL BE OPPOSED BY THE CHRISTIAN DEMOCRATS, COMMUNISTS, SOCIALISTS, SOCIAL DEMOCRATS, NATIONAL DEMOCRATS, AND REPUBLICANS. IT WILL BE SUPPORTED BY THE RADICALS, LIBERALS AND DEMOCRATIC PROLETARIAT.

VOTING RESULTS.

6. IT CONTINUES TO BE TAKEN FOR GRANTED THAT THE TWO REFERENDA WILL FAIL. HOWEVER, BOTH ISSUES HAVE EVOKED GREATER CONTROVERSY THAN HAD BEEN EXPECTED A FEW WEEKS AGO. THE REALE REFERENDUM HAS DEEPLY DIVIDED THE LEFT. ACCORDING TO PRESS REPORTS, QUITE SUBSTANTIAL NUMBERS OF SOCIALISTS PLAN TO JOIN THE REST OF THE NON-COMMUNIST LEFT IN VOTING FOR IT AND THE PRESS HAS PUBLISHED LISTS OF NAMES OF PROMINENT INTELLECTUALS OF THE LEFT WHO INTEND TO VOTE "YES." THE BIG QUESTION IS THE EXTENT OF COMMUNIST DEFECTIONS. IN RECENT DAYS THERE HAS ALSO APPEARED TO BE A SURPRISING GROUNDSWELL OF OPINION NOT ONLY AMONG THE LEFT BUT ALSO AMONG THE CENTER AND RIGHT IN FAVOR OF THE PUBLIC FINANCING REFERENDUM.

7. A RADICAL LEADER TOLD THE EMBASSY A WEEK AGO THAT THE PARTY EXPECTS A 25-30 PERCENT "YES" VOTE AND WILL REGARD SUCH AN OUTCOME AS A MORAL VICTORY. IT WILL DEMONSTRATE

THAT THERE IS A DESIRE FOR REFORMS WHICH THE ESTABLISHED
PARTIES ARE IGNORING. IT WILL FURTHER SHOW THAT THE
PARTIES DO NOT HAVE THE HOLD ON THEIR ELECTORATE WHICH
THEY CLAIM. THE LATTER POINT HAS BECOME IN A SENSE THE
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PAGE 03 ROME 10563 02 OF 02 071732Z

MAIN ISSUE OF THE REFERENDUM CAMPAIGN. THE ESTABLISHED
PARTIES REPRESENT ROUGHLY 91 PERCENT OF THE POPULAR VOTE
WHILE THE RADICALS AND THEIR ALLIES ACCOUNT FOR ONLY ABOUT
8 PERCENT. ON THE REALE ISSUE IT CAN PROBABLY BE ASSUMED
THAT THE CHRISTIAN DEMOCRATIC, SOCIAL DEMOCRATIC, AND
REPUBLICAN RANKS AND MUCH OF THE FAR RIGHT WILL HOLD SOLID
AGAINST THE REFERENDUM. THE SOCIALIST VOTE IS A QUESTION
MARK. BUT EVEN IN THE UNLIKELY EVENT THAT ALL SOCIALISTS
VOTE "YES," THIS RESULT MEANS THAT "YES" VOTES ABOVE
18-20 PERCENT WILL ALMOST CERTAINLY BE COMMUNIST DEFECTORS.
HENCE A 30 PERCENT VOTE FOR THE REFERENDUM ON THE REALE
LAW WOULD BE A BLOW TO THE COMMUNIST PARTY. THE OUTCOME
OF THE VOTE ON PUBLIC FINANCING IS MORE DIFFICULT TO
EVALUATE BECAUSE THE ISSUE APPEARS TO HAVE CREATED BROADER
DIVISIONS AMONG THE PARTIES. A HIGH "YES" VOTE WILL
THEREFORE BE A SLAP AT THE ESTABLISHED PARTIES GENERALLY,
THOUGH NO DOUBT MOST OF ALL AT THE TWO LARGEST ONES. HOLMES

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